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Question of human rights in Cyprus

Report of the Office of the United Nations High Commissioner for Human Rights*

Summary

The present report, which covers the period from 1 December 2016 to 30 November 2017, provides an overview of human rights concerns in Cyprus, including in regard to the right to life and the question of missing persons, the principle of non-discrimination, freedom of movement, property rights, freedom of religion or belief and cultural rights, freedom of opinion and expression, and the right to education. The report also underlines the importance of a gender perspective when negotiating and implementing peace agreements.

* The present report was submitted after the deadline in order to reflect the most recent information.

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I. Introduction

1. The present report was prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) pursuant to resolutions 4 (XXXI), 4 (XXXII) and 1987/50 of the Commission on Human Rights and to decision 2/102 of the Human Rights Council.

2. As at 30 November 2017, Cyprus remained divided, with a buffer zone maintained by the United Nations Peacekeeping Force in Cyprus (UNFICYP). In its resolution 2369 (2017), the Security Council extended the mandate of UNFICYP for a further period ending on 31 January 2018. The Security Council requested the Secretary-General to conduct a strategic review of UNFICYP, focused on how it should be optimally configured to implement its existing mandate, and to report on the results of the review within four months of the adoption of the resolution.[1]

3. In order to prepare the present report, in the absence of a human rights presence in Cyprus, OHCHR relied on a variety of sources with particular knowledge of the situation of human rights on the island, and on the recent findings of international and regional human rights mechanisms. UNFICYP, the Secretary-General's good offices, the secretariat of the Committee on Missing Persons in Cyprus, the United Nations Development Programme (UNDP) and various stakeholders were consulted in the preparation of the report.

II. Challenges for the implementation of international human rights standards

4. Various United Nations human rights mechanisms have voiced their concerns at the factors and difficulties impeding the implementation of international human rights standards on the whole island, owing to its continued division. During the reporting period, these included the Committee on the Rights of the Child, the Committee on the Elimination of Racial Discrimination and the Special Rapporteur in the field of cultural rights.

5. Due to the persistent division of Cyprus, monitoring of and reporting on the human rights situation in the northern part of the island has remained limited. In its reports to human rights treaty bodies, the Government of the Republic of Cyprus continued to emphasize that it could not ensure the application of international human rights instruments in areas not under its effective control, and that the information and data presented concerned only the areas controlled by the Government.[2]

6. In its civil society report to the Pre-sessional Working Group of the Committee on the Elimination of Discrimination against Women, the Cyprus Dialogue Forum observed that "international treaties and legal frameworks ratified by the parliament in the north are done so unilaterally and therefore are not recognized by the relevant international actors. As such, international agreements ratified by the authorities in the north cannot be monitored by the relevant international stakeholders."[3]

7. While noting that the Government of the Republic of Cyprus did not exercise control over all of its territory and was thus unable to ensure full application of the International Convention on the Elimination of All Forms of Racial Discrimination, the Committee on the Elimination of Racial Discrimination in its concluding observations of 2017 expressed

[1] See S/2017/1008.

[2] See CEDAW/C/CYP/8, paras. 7–8.

[3] Available from http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fNGO%2fCYP%2f29431&Lang=en. The Cyprus Dialogue Forum explains that its report was compiled from the contributions of 19 organizations from the Greek Cypriot and Turkish Cypriot communities, and is not intended to present a singular voice but rather the multiplicity of opinions and voices across the island (p. 5).

concern that the political situation hindered efforts to protect vulnerable groups in the territory under the Government's control. The Committee stated that the continued division of the island contributed to ongoing tensions between the Greek Cypriot and Turkish Cypriot communities, and encouraged the State party to continue its engagement in the peace process in order to seek a comprehensive settlement of the problem. The Committee supported the recommendations of OHCHR with regard to addressing the underlying human rights concerns. It requested the State party to continue to provide it with updated information on efforts to improve relations between the two communities.[4]

8. In its concluding observations of 2017, the Committee on the Rights of the Child noted that the persisting division of Cyprus continued to have a negative impact on the fulfilment of obligations under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. It emphasized that such circumstances could not be used to maintain legislation or practices that went against the object and purpose of the Optional Protocol.[5] The Committee expressed deep concern at the State party's decision to maintain its declaration lodged at the time of ratification.[6] The Committee considered that the declaration amounted to a reservation to articles 1 and 2 of the Optional Protocol, and went against its object and purpose. It urged the State party to withdraw the declaration, "in the interest of protecting all children from direct involvement in armed conflict and ensuring children are not compulsorily recruited into the armed forces".[7]

9. In the report on her mission to Cyprus, published in March 2017, the Special Rapporteur in the field of cultural rights recognized "the serious legacies of past communal violence, conflict, forced displacement, human rights abuses, discrimination and extreme nationalism".[8] She observed that the political situation created obstacles to the enjoyment of cultural rights without discrimination, referring to restrictions to freedom of movement between the north and the south; divisions between Greek Cypriots and Turkish Cypriots; discourses of exclusion, hatred or superiority; and concerns about the rise of various forms of extremism, including extreme nationalism and religious fundamentalism. She recommended that, pending a final settlement, the utmost must be done to guarantee human rights, including cultural rights.[9]

10. Given the persistent division of the island, the Secretary-General continued "to call upon both communities to exert efforts to create a climate conducive to achieving greater economic and social parity between the two sides and to widen and deepen economic, social, cultural, sporting and similar ties and contacts". He underscored that such contacts "promote trust between the communities and help to address the concerns of Turkish Cypriots with regard to isolation".[10]

III. Human rights concerns

11. The continued division of Cyprus affects human rights throughout the island, including the right to life and the question of missing persons, non-discrimination, freedom of movement, property rights, freedom of religion or belief and cultural rights, freedom of

[4] See CERD/C/CYP/CO/23-24, paras. 3 and 6–7.

[5] CRC/C/OPAC/CYP/CO/1, para. 6.

[6] The declaration deals with the compulsory military service of citizens from 1 January of the year in which they turn 18 years old, and the deployment of members of the armed forces who have not attained the age of 18 years to take a direct part in hostilities (see https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-b&chapter=4&clang=_en#EndDec). In its State party report (see CRC/C/OPAC/CYP/1, para. 5), the Government of the Republic of Cyprus indicated that it had no intention of withdrawing the declaration, "since it is directly related to the continuing illegal military occupation of part of the territory of the Republic of Cyprus by Turkey".

[7] See CRC/C/OPAC/CYP/CO/1, paras. 7–8.

[8] See A/HRC/34/56/Add.1, para. 12.

[9] Ibid., paras. 20–26 and 94.

[10] See S/2017/586, para. 40.

opinion and expression, and the right to education. In addition, a gender perspective remains overlooked, particularly in relation to the political process.

A. Right to life and the question of missing persons

12. According to article 3 of the Universal Declaration of Human Rights, everyone has the right to life, liberty and security of person.[11] Furthermore, article 1 of the Declaration on the Protection of All Persons from Enforced Disappearance provides that any act of enforced disappearance is an offence to human dignity, which places the persons subjected thereto outside the protection of the law and inflicts severe suffering on them and their families. Any act of enforced disappearance also violates, or constitutes a grave threat to, the right to life.

13. The potential presence of landmines can have a negative effect on a number of rights, including the right to life. In its resolutions 2338 (2017) and 2369 (2017), the Security Council noted the continued danger posed by mines in Cyprus. The Council called on both sides to allow access to deminers and to facilitate the removal of the remaining mines within the buffer zone, and urged both sides to extend demining operations outside the buffer zone.

14. UNFICYP continued its demining work, completing operations on the 28 legacy minefields whose locations the Greek Cypriot leader, Nicos Anastasiades, had provided to the Turkish Cypriot leader, Mustafa Akıncı, as part of the confidence-building measures announced in May 2015. The final hazardous area was cleared in August 2017 and the final survey was completed in October 2017. This work has enabled all records to be updated, and saw the physical clearance of five hazardous areas. In total, 320,008m² of land was declared clear of explosive contamination and released for use by landowners and the public. In addition, a critical portion of the minefield that lies just north of the buffer zone in Mammari was cleared by international mine action organizations operating on behalf of the Turkish Cypriot side. A total of 54 suspected hazardous areas remain on the island. UNFICYP continues to engage with the two sides to identify priorities for the surveying and clearance of minefields across the island in the future, given the importance of demining as a safety measure and in achieving the ultimate goal of a mine-free Cyprus.[12]

15. As a result of the intercommunal fighting of 1963 and 1964, and the events of July 1974 and thereafter, 1,510 Greek Cypriots and 492 Turkish Cypriots have been officially reported as missing by both communities to the Committee on Missing Persons in Cyprus. During the reporting period, the Committee continued its bicommunal project on the exhumation, identification and return of the remains of missing persons. As at 30 November 2017, the remains of 1,212 individuals had been exhumed on both sides of the buffer zone by the Committee's bicommunal teams of archaeologists; of these, the remains of 847 missing individuals had been identified and returned to their respective families, including 108 in 2017.[13] In 2017, the Committee created an archive research team and initiated searches of United Nations archives related to Cyprus, in both New York and Nicosia.[14]

16. In its resolutions 2338 (2017) and 2369 (2017), the Security Council welcomed efforts to accommodate the exhumation requirements of the Committee on Missing Persons as well as the joint appeal for information issued by the two leaders on 28 May 2015. However, the Security Council called upon all parties to provide more expeditious, full access to all areas, given the need to intensify the Committee's work.

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[11] See also the International Covenant on Civil and Political Rights, art. 6 (1).

[12] Information provided by UNFICYP.

[13] This figure does not include 131 individuals identified by the Committee who are not on the official list of missing persons. See the Committee's document entitled "Figures and statistics of missing persons up to 30 November 2017", available at www.cmp-cyprus.org/sites/default/files/facts_and_figures_30-11-2017.pdf.

[14] Information provided by the secretariat of the Committee on Missing Persons in Cyprus.

17. On 9 December 2016, the Ministers' Deputies of the Council of Europe took note of information provided by the Turkish authorities on measures to accelerate the Committee on Missing Persons' access to the military zones located in the north. They also noted the establishment by the Turkish side, in August 2016, of an archive committee to examine the relevant archives for the information requested by the Committee on the burial sites and the location of remains. In view of the passage of time, the Ministers' Deputies reaffirmed the urgency for the Turkish authorities to intensify their proactive approach to providing the Committee with all necessary assistance to continue to achieve tangible results as quickly as possible,[15] and renewed that call in their subsequent decision of 22 September 2017. They called upon the Turkish authorities to give unhindered access to the Committee to all possible military zones in the northern part of Cyprus and to provide the Committee *proprio motu* with any information from the relevant archives, including military archives, in their possession on burial sites and any other places where remains might be found. They noted with interest the information submitted by the Turkish authorities, particularly on the authorization given to the Committee, in 2017, to proceed with excavations in an eleventh military zone.[16]

18. In both these decisions, the Ministers' Deputies took note of the updated information submitted by the Turkish authorities on the progress made in the investigations conducted by the Missing Persons Unit, and again called upon the Turkish authorities to ensure the effectiveness and rapid finalization of these investigations, and to keep the Committee informed of the progress made.

19. Furthermore, in its meetings of December 2016 and of March, June and September 2017, the Ministers' Deputies continued to insist on the unconditional obligation of Turkey to pay the just satisfaction awarded by the European Court of Human Rights, and called upon the Turkish authorities to pay these sums without delay.[17]

20. UNFICYP has noted the challenges to law enforcement within and across the buffer zone due to the absence of direct contact between military, police and civilian counterparts on both sides of the island.[18] On 4 April 2017, the European Court of Human Rights handed down its Chamber judgment in *Güzelyurtlu and others v. Cyprus and Turkey*.[19] The case concerned a triple murder on the Nicosia-Larnaca highway in 2005, which remained unsolved after the killers fled to the north of the island. The Court found that as the investigation unavoidably implicated more than one State, the States concerned were obliged to cooperate effectively and take all reasonable steps necessary to facilitate and realize an effective investigation into the case overall.[20] However, it was clear from all the material before the Court that both Governments had not been prepared to make any compromise on their positions and find middle ground, due to "political considerations which reflect the long-standing and intense political dispute between the Republic of Cyprus and Turkey".[21] The Court noted that "on the Cypriot Government's side it is evident that what drove the unwillingness to cooperate was the refusal to lend (or the fear of

[15] Council of Europe Committee of Ministers, decisions adopted at the 1273rd meeting on 6–8 December 2016 (CM/Del/Dec(2016)1273/H46-29 (2016)) on *Cyprus v. Turkey*.

[16] Council of Europe Committee of Ministers, decisions adopted at the 1294th meeting on 19–21 September 2017 (CM/Del/Dec(2017)1294/H46-30 (2017)) on *Cyprus v. Turkey*.

[17] Council of Europe Committee of Ministers, decisions adopted at the 1273rd meeting on 6–8 December 2016 (CM/Del/Dec(2016)1273/H46-29 and 32 (2016)) on *Cyprus v. Turkey* and *Varnava and others v. Turkey*; Council of Europe Committee of Ministers, decisions adopted at the 1280th meeting on 7–10 March 2017 (CM/Del/Dec(2017)1280/H46-31 and 33 (2017)) on *Cyprus v. Turkey* and *Varnava and others v. Turkey*; Council of Europe Committee of Ministers, decisions adopted at the 1288th meeting on 6–7 June 2017 (CM/Del/Dec(2017)1288/H46-31 and 33 (2017)) on *Cyprus v. Turkey* and *Varnava and others v. Turkey*; Council of Europe Committee of Ministers, decisions adopted at the 1294th meeting on 19–21 September 2017 (CM/Del/Dec(2017)1294/H46-30 and 32 (2017)) on *Cyprus v. Turkey* and *Varnava and others v. Turkey*.

[18] See S/2017/586, paras. 7 and 14–15.

[19] Third Section judgment (merits and just satisfaction), application No. 36925/07. The case has been accepted for referral to the Grand Chamber, where it is scheduled for hearing on 28 March 2018.

[20] Ibid., para. 285.

[21] Ibid., para. 290.

lending) any legitimacy to the 'TRNC' ['Turkish Republic of Northern Cyprus']".[22] However, the Court ruled that it did "not accept that steps taken with the aim of cooperation in order to further the investigation in this case would amount to recognition, implied or otherwise of the 'TRNC'... Nor would it be tantamount to holding that Turkey wields internationally recognized sovereignty over northern Cyprus".[23] On the other hand, the Court stated that "as the Government of the Republic of Cyprus remains the sole legitimate government of Cyprus ..., it finds it striking that the extradition requests made by the Cypriot Government were ignored by the Turkish Government".[24] As a result, and despite the fact that they had the opportunity to find a solution under the brokerage of UNFICYP, the Court held that both Cyprus and Turkey had violated the right to life under article 2 of the Convention for the Protection of Human Rights and Fundamental Freedoms (the European Convention on Human Rights) under its procedural aspect.

B. Non-discrimination

21. According to article 1 of the Universal Declaration of Human Rights, all human beings are born free and equal in dignity and rights. Article 7 provides that all are equal before the law and are entitled without any discrimination to equal protection of the law.[25] Furthermore, all are entitled to equal protection against any discrimination that is in violation of the Declaration and against any incitement to such discrimination.

22. As at 31 December 2016, it was estimated that there were 272,000 internally displaced persons in Cyprus. This figure includes Greek Cypriots who moved to the south of the island and Turkish Cypriots who moved to the north of the island in 1974, as well as their children.[26]

23. The Committee on the Elimination of Racial Discrimination welcomed legislative and policy measures to address racial discrimination, but noted that the political situation hindered efforts to protect vulnerable groups, and contributed to the ongoing tensions between the Greek Cypriot and Turkish Cypriot communities. The Committee expressed concern about reports of racially motivated verbal abuse and physical attacks against persons of foreign origin, human rights defenders and Turkish Cypriots, as well as about the use of racist stereotypes and hate speech in the public sphere against certain minority groups, including the Roma (Kurbet) community and ethnic minorities who are Muslims. The Committee recommended that immediate measures be taken to protect the safety and security of ethnic minorities and human rights defenders, including through the adoption and enforcement of sufficient legislation to ensure accountability for such acts.[27]

24. The Special Rapporteur in the field of cultural rights raised concern that discourses of exclusion, hatred or superiority were still purveyed in some quarters on all sides. She referred to reports of a rise in incidents in the south of racially motivated verbal and physical abuse by right-wing extremists and neo-Nazi groups against persons of foreign origin, Roma, human rights defenders and Turkish Cypriots. She noted claims that impunity for such acts was common, and welcomed the Government's assertion that all such incidents were being investigated.[28]

25. In this respect, UNFICYP reported having been informed that one of the court cases against the Greek Cypriot individuals accused of attacking vehicles belonging to Turkish Cypriots was scheduled for early December 2017, while the others had been postponed

[22] Ibid., para. 291.
[23] Ibid., para. 291.
[24] Ibid., para. 292.
[25] See also the International Covenant on Civil and Political Rights, art. 26.
[26] Internal Displacement Monitoring Centre, Norwegian Refugee Council, *Global Report on Internal Displacement 2017*, May 2017, pp. 104, 114 and 119.
[27] See CERD/C/CYP/CO/23-24, paras. 3, 4, 6, 16 and 17.
[28] See A/HRC/34/56/Add.1, para. 24.

until early 2018.[29] UNFICYP noted that a clear resolution of such cases would serve to build confidence and signal that such acts would not be tolerated in Cyprus.[30]

26. The Special Rapporteur in the field of cultural rights took note of the bicommunal framework of the Constitution of the Republic of Cyprus, of 1960, in which it is stated that all Cypriot citizens, including those from ethnic, linguistic, cultural or religious origins other than the two dominant ones, must associate themselves formally with either the Greek Cypriot community or the Turkish Cypriot community. The Special Rapporteur recognized the complexity and diversity of Cyprus's society, noting that it included a mosaic of historic minorities as well as newly arrived persons. She also noted that the ongoing peace talks offered an opportunity to open spaces for the recognition of diversity and the participation of all in society without discrimination.[31]

27. UNFICYP continued to engage with relevant authorities to identify issues regarding access to health, welfare and educational services for Turkish Cypriots residing in the south. UNFICYP also maintained its deliveries of humanitarian supplies provided by the Republic of Cyprus to the remaining, largely older, 335 Greek Cypriots and 95 Maronites residing in the north.[32] However, from 4 October 2017 onwards, UNFICYP has been obliged to limit its delivery to medical aid supplies, following the unilateral decision of the Turkish Cypriot authorities to impose taxes and fees on the other humanitarian goods.[33]

C. Freedom of movement

28. Under article 13 of the Universal Declaration of Human Rights, everyone has the right to freedom of movement and residence within the borders of each State, as well as the right to leave any country, including their own, and to return to their country.[34]

29. In Cyprus, however, crossings between the northern and southern parts of the island remain possible only through official crossing points (of which there are currently seven), which limits freedom of movement. During the period under review, UNFICYP reported 1,766,908 official crossings through the buffer zone.[35] The Technical Committee on Crossings, facilitated by UNFICYP and with the technical support of UNDP, resumed its work to open two new crossings at Lefka-Aplici/Lefke-Aplıç and Deryneia/Derinya.[36]

30. The European Commission reported an increase in the number of crossings both by Turkish Cypriots and by Greek Cypriots in 2016. No incidents concerning crossings were reported in 2016, and the abolition, in 2015, of certain requirements for crossing into the north, owing to a unilateral confidence-building measure by the Turkish Cypriot community, continued to have a positive impact on the number of crossings.[37]

31. Although the opening of crossing points has had a positive effect on freedom of movement, the Special Rapporteur in the field of cultural rights observed that political, legal and logistical obstacles remained. She recommended that efforts be made to open new crossing points and to create conditions to enhance the right to freedom of movement of all persons in Cyprus. In particular, she noted that citizens from mainland Turkey who have settled in the north and their descendants could not cross the Green Line.[38] In its comments to her report, the Government of the Republic of Cyprus emphasized that Turkish nationals did not meet the requirements for documents, and that "their entry and settlement in Cyprus has taken place in a territory illegally occupied by a foreign state and was the result of an

[29] Information provided by UNFICYP.
[30] See S/2017/586, para. 27.
[31] See A/HRC/34/56/Add.1, paras. 27–33.
[32] Information provided by UNFICYP.
[33] See https://unficyp.unmissions.org/press-statement-humanitarian-deliveries.
[34] See also the International Covenant on Civil and Political Rights, art. 12.
[35] Information provided by UNFICYP.
[36] See S/2017/586, para. 22.
[37] European Commission, Report from the Commission to the Council, COM(2017) 371 final, 7 July 2017, pp. 2–3.
[38] See A/HRC/34/56/Add.1, paras. 74–75 and 81.

organized transfer of them by that state."[39] On the other hand, the Turkish Cypriot side stated that the policy "applies to many Turkish Cypriots whose parents and themselves are born and brought up in Cyprus".[40] The Special Rapporteur noted that some positive steps had been taken in allowing these persons to cross the Green Line in pilgrimages to Hala Sultan Tekke Mosque. She expressed hope that the limitations on their freedom of movement would be lifted and that they would be provided with the necessary documentation at the earliest opportunity, so that they could fully and freely access and enjoy cultural heritage.[41]

D. Property rights

32. Under article 17 of the Universal Declaration of Human Rights, everyone has the right to own property, alone as well as in association with others, and no one is to be arbitrarily deprived of their property.

33. With regard to property claims in the north of the island, according to the Immovable Property Commission, as at 30 November 2017 a total of 6,376 applications had been lodged with the Commission since its establishment, of which 852 had been concluded through friendly settlements and 25 through formal hearings. The Commission had paid a total of £242,842,621 in compensation, and it had ruled for exchange and compensation in two cases, for restitution in three cases, and for restitution and compensation in six cases. In one case, it had delivered a decision for restitution after settlement of the Cyprus issue, and in another case it had ruled for partial restitution.[42]

34. With regard to the effectiveness of the Immovable Property Commission in a particular case, on 3 October 2017 the European Court of Human Rights issued an inadmissibility decision in *Loizou v. Turkey*. The Court found that proceedings of approximately three years and seven months were not unreasonable in the circumstances, and that a delay of about eleven months in paying the compensation awarded was not excessive and unreasonable. The Court also found that by withdrawing his claim in respect of two commercial properties, the applicant had not properly exhausted the appropriate domestic remedy.[43]

35. On 9 December 2016, and 11 March, 8 June and 22 September 2017, the Ministers' Deputies of the Council of Europe continued to insist on the unconditional obligation of Turkey to pay the just satisfaction awarded by the European Court of Human Rights, and called upon the Turkish authorities to pay the sums without delay.[44]

36. UNFICYP noted an increase in Cypriots' interest in making use of their property in the buffer zone, reflected by a steady rise over the past decade in the numbers of applications submitted to and permits issued by UNFICYP to carry out activities in the zone. Property rights are an issue of concern in the buffer zone, where UNFICYP estimates that about 20 per cent of the arable land is being farmed without the authorization of its owners. UNFICYP worked to facilitate access to property in the buffer zone for normal civilian activity, by continuing its work to maintain the zone's integrity and stability and by

[39] See A/HRC/34/56/Add.2, para. 10.

[40] See A/HRC/34/G/13, p. 6.

[41] See A/HRC/34/56/Add.1, para. 81.

[42] Available at www.tamk.gov.ct.tr (accessed 30 November 2017).

[43] European Court of Human Rights, *Loizou v. Turkey*, decision of 3 October 2017, application No. 50646/15.

[44] Council of Europe Committee of Ministers, decisions adopted at the 1273rd meeting on 6–8 December 2016 (CM/Del/Dec(2016)1273/H46-33 (2016)) on *Xenides-Arestis group v. Turkey*; Council of Europe Committee of Ministers, decisions adopted at the 1280th meeting on 7–10 March 2017 (CM/Del/Dec(2017)1280/H46-31 and 34 (2017)) on *Cyprus v. Turkey* and *Xenides-Arestis group v. Turkey*; Council of Europe Committee of Ministers, decisions adopted at the 1288th meeting on 6–7 June 2017 (CM/Del/Dec(2017)1288/H46-31 and 34 (2017)) on *Cyprus v. Turkey* and *Xenides-Arestis group v. Turkey*; Council of Europe Committee of Ministers, decision adopted at the 1294th meeting on 19–21 September 2017 (CM/Del/Dec(2017)1294/H46-33 (2017)) on *Xenides-Arestis group v. Turkey*.

regulating access.[45] During the reporting period, UNFICYP issued 1,041 permits for normal civilian activity in the buffer zone, such as for farming, civilian construction and other types of employment.[46]

E. Freedom of religion or belief and cultural rights

37. According to article 18 of the Universal Declaration of Human Rights, everyone has the right to freedom of thought, conscience and religion, which includes freedom to change their religion or belief, and freedom, either alone or in community with others, and in public or private, to manifest their religion or belief in teaching, practice, worship and observance.[47] Furthermore, article 27 provides that everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.[48]

38. The religious leaders of Cyprus sustained their commitment to joint dialogue and religious freedom, within the framework of the Religious Track of the Cyprus Peace Process, under the auspices of the Embassy of Sweden. Their engagement encompassed broader activities to promote human rights, peace and reconciliation — including highlighting gender issues through a joint statement condemning all forms of violence against women and girls, and an initiative for persons working in different religious institutions to meet weekly in the buffer zone and learn Greek and Turkish. On 28 September 2017, the Office of the Religious Track convened its third round table for human rights, bringing together faith-based actors and civil society organizations to introduce the OHCHR Faith for Rights initiative and promote interdisciplinary dialogue and cooperation on religion and human rights.[49] The Office of the Religious Track translated the Beirut Declaration and its 18 Faith for Rights commitments into Greek and Turkish, in order to make it available for concrete projects for and with women, men and children in the whole island.[50]

39. The Special Rapporteur in the field of cultural rights observed that on all sides, the political situation in Cyprus created many obstacles to the enjoyment of cultural rights without discrimination, as well as an overpoliticization of cultural heritage and issues related to cultural rights. She referred to the ongoing destruction of cultural heritage across Cyprus, not only through attacks, but also through misuse and neglect. She also observed that restrictions on freedom of movement created impediments to accessing and enjoying cultural heritage. While noting some improvement since the opening of the crossing points, she stated that political, legal and logistical obstacles impeded many in their right to access and enjoy cultural heritage with dignity, and that it was impossible to access and use some churches and other sites located in the buffer zone.[51]

40. With respect to the south of the island, the Special Rapporteur in the field of cultural rights found that the conditions and procedures for gaining access to sites needed to be clarified and publicized, as people were not always aware of the procedures to follow.[52] UNFICYP noted that there remained some limitations to religious worship in the mosques in the south.[53]

41. Concerns have also been raised regarding the lack of toilet and ablution facilities at mosques, such as at Bayraktar Mosque in Nicosia, and at the mosques in Dali, Nisou and

[45] See S/2017/586, para. 17; and S/2017/1008, para. 10.
[46] Information provided by UNFICYP.
[47] See also the International Covenant on Civil and Political Rights, art. 18; and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (General Assembly resolution 36/55).
[48] See also the International Covenant on Economic, Social and Cultural Rights, art. 15.
[49] See www.religioustrack.com.
[50] See www.ohchr.org/EN/Issues/FreedomReligion/Pages/FaithForRights.aspx.
[51] See A/HRC/34/56/Add.1, paras. 20–21, 50–57 and 74–75.
[52] Ibid., paras. 78–79.
[53] See S/2017/586, para. 24.

Paphos.[54] The Special Rapporteur in the field of cultural rights observed that while Agia Sofia Mosque in Paphos had been partially restored, the plan did not seem to include sanitation facilities, which were particularly important for Muslims and would have been required had people who might use the site been consulted. In that respect, she underlined the need to enhance a human rights approach to cultural heritage that focused on the relationships between people and heritage.[55]

42. With regard to the north, the Special Rapporteur in the field of cultural rights noted that the Turkish Cypriot authorities had implemented restrictive arrangements for collective access. She reported that before her visit, access had been granted on special dates only, for sites that were considered safe, were located outside a military zone and were not already used for another purpose. During her visit (which took place from 24 May to 2 June 2016), the Turkish Cypriot authorities imposed further restrictions, reducing the number of authorized ceremonies to one per year per site. The Special Rapporteur expressed serious concern about these restrictions, stating that they represented a step backwards from previous arrangements, which were already not in line with international human rights standards.[56]

43. In an August 2017 document entitled "The criteria for granting permits to conduct religious services in the TRNC", the Turkish Cypriot authorities outline six criteria: (a) the day of the requested service has to be a religiously significant day (Easter, Christmas or a name day of the church); (b) the physical condition of the religious site should be suitable to host a religious service (whether it is safe and secure to accept visitors); (c) the site should not already be in use for another purpose (i.e. museum, cultural centre, library etc.); (d) the religious site should not be situated in a military zone (however, permission is sometimes granted as a gesture of goodwill); (e) there should not be complaints from the local Turkish Cypriot residents living in the vicinity of the church where a religious service will be conducted; and (f) security measures need to be taken in the vicinity in order to enable smooth delivery of the religious services. However, depending on the number of people attending the religious service the police department might not be able to assign the required number of police officers to the vicinity each time. In these cases, permits shall not be granted."[57] The document lists even more restrictions than those previously mentioned by the Special Rapporteur in the field of cultural rights. These numerous restrictions, as well as their broadly worded nature, raise serious concerns about the accessibility of religious sites and the enjoyment of freedom of religion and cultural rights. Furthermore, UNFICYP, the Special Rapporteur in the field of cultural rights and other stakeholders have reported that services are permitted only once a year in some churches in the north, and that cumbersome procedures are in place for the transfer of religious icons from the south to the north to be used during religious services.[58]

44. Access to sites to hold religious services and other commemorative activities in the north of the island is facilitated by UNFICYP, upon request. UNFICYP has observed the strong interest of Cypriots in holding religious services and events across the island. During the reporting period, UNFICYP facilitated the participation of over 16,800 people in 79 religious services and commemorative events, of which 11 were in the buffer zone and 68 were in the north. UNFICYP also facilitated the crossing of more than 3,200 pilgrims from the north to worship at Hala Sultan Tekke Mosque in Larnaca on 20 December 2016 and 26 June, 5 September and 29 November 2017.[59] This included the participation of pilgrims of Turkish origin who could otherwise not have crossed the buffer zone.[60] At the same time, UNFICYP noted with concern the decline in the number of religious services approved for

[54] Information provided by the Religious Track of the Cyprus Peace Process.
[55] A/HRC/34/56/Add.1, para. 71.
[56] Ibid., paras. 84–86.
[57] Document provided by the Turkish Cypriot authorities.
[58] See S/2017/586, para. 24; and A/HRC/34/56/Add.1, para. 84.
[59] Information provided by UNFICYP.
[60] See press releases by the Office of the Religious Track of the Cyprus Peace Process, dated 20 December 2016, 27 June 2017, 5 September 2017 and 29 November 2017. Available from www.religioustrack.com.

it to facilitate, compared to the same period in 2015–2016, as well as other limitations and restrictions that had hampered worship.[61] During the reporting period, a total of 112 requests for religious services and events in the north of the island were submitted to UNFICYP for facilitation, of which 67 were approved.[62]

45. The Special Rapporteur in the field of cultural rights also noted concerns expressed by Turkish Cypriots regarding the perceived efforts by Turkey to transform their culture and Islamize their society in ways that they felt did not reflect more secular and tolerant local cultural practices. She stated that there should be thorough consultation among Turkish Cypriots, including civil society and women's human rights defenders, about any such policies and their potential impact on cultural rights.[63]

46. The Technical Committee on Cultural Heritage pursued its work for the preservation, physical protection and restoration of cultural heritage sites. During the reporting period, with support from the European Union and UNDP, it completed eight major restoration projects, notably the Maronite churches of Agia Marina, which are located on a military site of the Turkish forces, the Holy Cross Church, the Martinengo Bastion in Famagusta, a portion of the Famagusta Walls, Agios Panteleimonas Monastery, Archangelos Michael Church in the northern part of Cyprus, and the two mosques in the Paphos region.[64] The Special Rapporteur in the field of cultural rights recognized the importance of the work of the Technical Committee, recommending that it be supported and fully resourced. She also recommended that it increase efforts to consult stakeholders, in particular through full consultations with groups with special relationships with certain sites, on the restoration work to be undertaken and the meaning of the site, and their wishes for future uses.[65]

F. Freedom of opinion and expression

47. Under article 19 of the Universal Declaration of Human Rights, everyone has the right to freedom of opinion and expression. This right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.[66]

48. The report of the Secretary-General on the strategic review of UNFICYP noted that civil society actors involved in promoting a culture of peace in Cyprus enjoyed little political space or institutional support. It recommended that UNFICYP continue its work to facilitate intercommunal events to promote contact between Greek Cypriot and Turkish Cypriot organizations.[67]

49. In March 2017, the Organization for Security and Cooperation in Europe (OSCE) Representative on Freedom of the Media launched the Cyprus Dialogue, bringing together journalists from across Cyprus. The initiative is aimed at strengthening professional and ethical standards of journalism on the island and promoting exchanges between journalists from the Greek Cypriot and Turkish Cypriot communities, thereby strengthening freedom of expression and media freedom.[68]

50. The Special Rapporteur in the field of cultural rights expressed concern that the 2013 Law on the Procedure for Standardization of Geographical Names of the Republic of Cyprus criminalizes the publication and circulation of material containing place names that are different from those specified in official documents. She noted that such provision was

[61] See S/2017/586, para. 25.
[62] Information provided by UNFICYP.
[63] See A/HRC/34/56/Add.1, para. 35. See also A/72/507–S/2017/831.
[64] Information provided by UNDP.
[65] See A/HRC/34/56/Add.1, para. 104.
[66] See also the International Covenant on Civil and Political Rights, art. 19.
[67] See S/2017/1008, para. 25.
[68] See S/2017/586, para. 18; and "OSCE-led expert meeting in Nicosia decides on ways to further improve quality media and cooperation between Cypriot journalists", 25 April 2017, available at www.osce.org/fom/313646.

incompatible with the right to freedom of expression, and recommended that the law be reviewed to ensure it did not infringe upon the rights to freedom of opinion and expression, academic and scientific freedoms, as well as freedom of movement.[69]

51. The Committee on the Elimination of Racial Discrimination expressed concern about reports of racially motivated verbal abuse and physical attacks against human rights defenders, and recommended that immediate measures be taken to protect their safety and security.[70]

G. Right to education

52. Under article 26 of the Universal Declaration of Human Rights, everyone has the right to education;[71] education should be directed to the full development of the human personality and the strengthening of respect for human rights and fundamental freedoms; and it should promote understanding, tolerance and friendship among all nations, racial or religious groups, and further the activities of the United Nations for the maintenance of peace. The Declaration also provides that parents have a prior right to choose the kind of education that is given to their children.

53. The European Commission maintained its scholarship scheme for the Turkish Cypriot community, in order to address Turkish Cypriot students' limited access to European Union exchange and educational programmes. During the 2016/17 academic year, it funded 151 scholarships for undergraduate and graduate students, researchers and professionals. Efforts were made to organize activities to inform students about study possibilities in the European Union, to develop an alumni network, and to monitor the programme's medium-term impact, such as through the return rate of students to Cyprus and the success rate in finding employment.[72]

54. UNFICYP maintained its logistical support and outreach to the Greek Cypriot primary and secondary schools on Karpas Peninsula.[73] The Turkish Cypriot authorities continued to vet the appointment of teachers for the Rizokarpaso schools for the 2017/18 school year, with the appointment of four teachers rejected, the appointment of another two teachers terminated and the use of eight textbooks prohibited.[74]

55. There were no developments regarding the establishment of a Turkish-language school in Limassol, although Turkish-speaking pupils have access to Turkish-language education at a primary school and a high school there.[75] In its list of issues and questions in relation to the eighth periodic report of Cyprus, the Committee on the Elimination of Discrimination against Women requested the State party to provide clarification on the reasons for the non-implementation of this project.[76]

56. The Committee on the Elimination of Racial Discrimination expressed concern that members of the Roma (Kurbet) community faced challenges such as low school attendance and high dropout rates, and recommended that the State party develop a comprehensive strategy for the inclusion of the community to ensure their access to adequate education (including in their language, where and when appropriate) without discrimination or stigma.[77]

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[69] See A/HRC/34/56/Add.1, paras. 48 and 106.

[70] See CERD/C/CYP/CO/23-24, paras. 16–17.

[71] See also the International Covenant on Economic, Social and Cultural Rights, arts. 13 and 14; and the Convention on the Rights of the Child, arts. 28 and 29.

[72] European Commission, Report from the Commission to the Council, COM(2017) 372 final, 7 July 2017, p. 7.

[73] See S/2017/586, para. 26.

[74] Note verbale of 9 October 2017 from the Permanent Mission of the Republic of Cyprus to the United Nations Office at Geneva and other international organizations in Switzerland.

[75] See S/2017/586, para. 27.

[76] See CEDAW/C/CYP/Q/8, para. 17.

[77] See CERD/C/CYP/CO/23-24, paras. 18–19.

57. The Technical Committee on Education launched the Imagine project. Led by the Association for Historical Dialogue and Research, this programme brings Greek Cypriot and Turkish Cypriot children together to interact and learn side by side, and provides an opportunity for teachers from across the island to acquire and practise techniques for peace education.[78]

H. Gender perspective

58. Security Council resolution 1325 (2000) on women and peace and security calls on all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including: (a) the special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction; (b) measures that support local women's peace initiatives and indigenous processes for conflict resolution, and involve women in all the implementation mechanisms of the peace agreements; and (c) measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the Constitution, the electoral system, the police and the judiciary. Additionally, Sustainable Development Goal 5 calls for gender equality and the empowerment of all women and girls, including ending all forms of discrimination and ensuring women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life.

59. Regarding Cyprus, the Security Council reiterated, in its resolutions 2338 (2017) and 2369 (2017), that the active participation of civil society groups, including women's groups, was essential to the political process and could contribute to making any future settlement sustainable. It welcomed the efforts of UNFICYP to implement the Secretary-General's zero-tolerance policy on sexual exploitation and abuse, requesting him to continue to take all necessary action in that regard, and urging troop-contributing countries to take appropriate preventive action, including pre-deployment awareness training, and disciplinary and other action to ensure full accountability in cases of such conduct involving their personnel.

60. During the reporting period, UNFICYP intensified its efforts to encourage the role of women in peacebuilding and political decision-making, by providing support for or participating in nine events focusing on issues including countering violence against women, women in the changing world of work, the involvement of women in the peace process, the implementation of Security Council resolution 1325 (2000), and women working in divided societies.[79]

61. Nevertheless, the most recent report of the Secretary-General on his mission of good offices in Cyprus noted that the recommendations of the Technical Committee on Gender Equality (formed in 2015 to heed the many calls for greater inclusion of a gender perspective in the political negotiations) were not always mainstreamed into the deliberations, and that the impact of its work on relevant substantive issues remained quite limited.[80]

62. The report of the Secretary-General on the strategic review of UNFICYP included recommendations aimed at promoting the participation of women, including strengthening the Sector Civilian Activity Integrated Offices, inter alia for better outreach to women in the communities. The report also recommended that efforts be undertaken to increase the rate of uniformed women to 15 per cent of the military component of UNFICYP, inter alia to assist in community engagement with women. The report further recommended that UNFICYP continue to facilitate intercommunal events, noting that women's organizations

[78] See S/2017/586, para. 21; and S/2017/814, para. 39.
[79] See S/2017/586, para. 20.
[80] See S/2017/814, para. 41.

from both sides had called for specific events and "safe spaces" to meet, as part of community-building.[81]

63. In its list of issues and questions in relation to the eighth periodic report of Cyprus, the Committee on the Elimination of Discrimination against Women requested the State party to provide information on measures taken to: (a) promote the crucial role of women as a force for peace and for rebuilding stability, in line with Security Council resolution 1325 (2000); (b) address the obstacles to participation of women in conflict prevention, management and resolution; and (c) address gaps in according needed protection to all women and girls in this context, particularly in the territory not under the State party's effective overall control, who may be vulnerable to exploitation and abuse. The Committee also requested information about measures to ensure the continued operation of the Technical Committee on Gender Equality and about the consideration given to its findings and recommendations regarding the mainstreaming of a gender perspective in the peace process.[82]

IV. Conclusions

64. There have been some positive developments on the question of human rights in Cyprus between 1 December 2016 and 30 November 2017. These include some progress in the search for missing persons, sustained efforts in interreligious dialogue and cooperation resulting in concrete results for the enjoyment of religious freedom, and progress in the work of the technical communities, in particular those on education and cultural heritage.

65. However, the persistent division of the island still hinders the full enjoyment of all human rights and fundamental freedoms, including with regard to the right to life and addressing the question of missing persons, the principle of non-discrimination, freedom of movement, property rights, freedom of religion or belief and cultural rights, freedom of opinion and expression, and the right to education.

66. It is critical to address the underlying and persisting human rights concerns relating to the division of Cyprus. It is crucial to maintain and strengthen efforts for mutual dialogue and trust. It is also crucial that a human rights approach underpin the political process. In this respect, the work of intercommunal initiatives and civil society is essential, as is the need for consultation and cooperation between the various tracks.

67. An impartial and in-country human rights capacity could ensure that human rights issues faced by members of all communities in Cyprus are acknowledged and rapidly addressed. Further visits by special procedure mandate holders are encouraged, including on minority issues, the human rights of internally displaced persons, enforced or involuntary disappearances, and the right to education. It is also imperative that OHCHR and other relevant actors have access to the whole island and all persons affected, and enjoy the full cooperation of the Government of the Republic of Cyprus and the Turkish Cypriot authorities.

68. All stakeholders are obliged to uphold the human rights and fundamental freedoms of all people. It is critical that all human rights protection gaps and underlying human rights issues in Cyprus be addressed effectively.

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[81] See S/2017/1008, paras. 23–25 and 43.

[82] See CEDAW/C/CYP/Q/8, paras. 1–2.